

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY,

Plaintiff,

v.

VESTMONT LIMITED PARTNERSHIP,
VESTMONT LIMITED PARTNERSHIP II,
VESTMONT LIMITED PARTNERSHIP III,
and VESTERRA CORPORATION d/b/a
MONTGOMERY SQUARE PARTNERSHIP,

Defendants.

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1(D) and the Court's September 14, 2005 Notice of Scheduling Conference, Plaintiff John Hancock Life Insurance Company and Defendants Vestmont Limited Partnership; Vestmont Limited Partnership II; Vestmont Limited Partnership III; and Vesterra Corporation d/b/a Montgomery Square Partnership hereby submit the following Joint Statement:

1. Agenda of Matters to be Discussed at the November 14, 2005 Scheduling Conference.

- a. Pre-trial schedule and discovery matters;
- b. Trial by magistrate judge; and
- c. Report on settlement discussion status.

2. Rule 26(f) Conference.

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(B), a teleconference was held on October 14, 2005. This Joint Statement reports the results of that conference and jointly proposes a discovery plan and pre-trial schedule as set forth below.

3. Rule 26(a)(1) Initial Disclosures.

As required by Fed. R. Civ. P. 26(a)(1) and L.R. 26.2(A), the parties already have exchanged initial disclosures.

4. Limitations on Discovery.

The parties have agreed to the following discovery limitations, subject to modification by leave of court:

- (i) Five (5) depositions per side;
- (ii) Twenty-five (25) interrogatories per side;
- (iii) Thirty (30) requests to admit per side;
- (iv) Two (2) sets of requests for production of documents per side; and
- (v) The deposition of each proposed trial expert.

5. Scheduling.

The parties agree that formal phasing of discovery is not necessary in this litigation. The proposals set forth below are subject to further motion by the parties, either jointly or individually.

Event	Proposed Deadlines
Initial Disclosures	October 28, 2005
Joinder of Other Parties	December 16, 2005
Amendment of Pleadings	December 16, 2005
Completion of Fact Discovery	March 3, 2006

Initial Expert Reports	March 31, 2006
Rebuttal Expert Reports	April 21, 2006
Close of Expert Discovery	May 12, 2006
Filing of Dispositive Motions	June 2, 2006
Response Briefs on Dispositive Motions	June 30, 2006
Reply Briefs on Dispositive Motions	July 14, 2006
Mediation	July 28, 2006
Final Pre-Trial Conference	To be set by Court
Trial	September 2006

6. Protective Order.

The parties have negotiated and filed with the Court a proposed form of protective order governing the handling of confidential and proprietary materials produced in discovery.

7. Trial by Magistrate Judge.

The parties do not consent to trial by a Magistrate Judge.

8. Settlement.

John Hancock has presented a written settlement demand and proposal to all of the Defendants pursuant to Local Rule 16.1(C). The Defendants have responded in writing to that demand and proposal. The parties agree that, at present, a settlement does not appear likely.

9. Certifications Pursuant to Local Rule 16.1(D)(3).

- a. John Hancock's certification is attached hereto as Exhibit A; and
- b. The Defendants' certification is attached hereto as Exhibit B.

VESTMONT LIMITED PARTNERSHIP,
VESTMONT LIMITED PARTNERSHIP II,
VESTMONT LIMITED PARTNERSHIP III,
and VESTERRA CORPORATION d/b/a
MONTGOMERY SQUARE PARTNERSHIP

By their attorneys,

/s/Robert D. Hillman

Steven J. Brooks (BBO # 059140)
Robert D. Hillman (BBO # 552637)
DEUTSCH WILLIAMS BROOKS
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99 Summer Street
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Tele.: 617-951-2300

Howard D. Scher, Esq.
Brian J. McCormick, Jr.
C. Randolph Ross, Esq.
BUCHANAN INGERSOLL PC
1835 Market Street, Floor 14
Philadelphia, PA 19103
Tele.: 215-665-8700

Date: November 7, 2005

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JOHN HANCOCK LIFE INSURANCE
COMPANY

By its attorneys,

/s/ Brian A. Davis

Brian A. Davis (BBO # 546462)
Lisa M. Gaulin (BBO # 654655)
CHOATE, HALL & STEWART LLP
Two International Place
Boston, MA 02110
Tele.: 617-248-5000

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

_____)	
JOHN HANCOCK LIFE INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO. 05-11614-WGY
VESTMONT LIMITED PARTNERSHIP,)	
VESTMONT LIMITED PARTNERSHIP II,)	
VESTMONT LIMITED PARTNERSHIP III,)	
and VESTERRA CORPORATION d/b/a)	
MONTGOMERY SQUARE PARTNERSHIP,)	
)	
Defendants.)	
_____)	

PLAINTIFF'S CERTIFICATION
PURSUANT TO LOCAL RULE 16.1(D)(3)

The undersigned hereby certify that an authorized representative of plaintiff John Hancock Life Insurance Company ("John Hancock") and John Hancock's counsel have conferred (a) with a view to establishing a budget for the costs of conducting the litigation and alternative courses of action; and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

/s/Brian A. Davis

Brian A. Davis (BBO No. 546462)
Lisa M. Gaulin (BBO No. 654655)
CHOATE, HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110
Tele: 617-248-5000

Counsel for Plaintiff

Date: November 7, 2005

3996413.1

/s/Nathaniel I. Margolis

Nathaniel I. Margolis
Vice President and Counsel
JOHN HANCOCK LIFE INSURANCE
COMPANY
200 Clarendon Street
Boston, Massachusetts 02116
Tele: 617-572-9290

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____	:	
JOHN HANCOCK LIFE INSURANCE	:	
COMPANY,	:	Civil Action No. 05-11614 WGY
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
VESTMONT LIMITED PARTNERSHIP,	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

LOCAL RULE 16.1 CERTIFICATION

Pursuant to Local Rule 16.1, defendants Vestmont Limited Partnership, Vestmont Limited Partnership II, Vestmont Limited Partnership III and Vesterra Corporation ("Defendants"), by and through their undersigned counsel, hereby certify that they have conferred:

a) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of the litigation; and

b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in Local Rule 16.4.

Vestmont Limited Partnership
By: Vesterra Corporation
By: /s/ James R. Koller
Name: James R. Koller
Title: President

Vestmont Limited Partnership II
By: Vesterra Corporation
By: /s/ James R. Koller
Name: James R. Koller
Title: President

Vestmont Limited Partnership III
By: Vesterra Corporation
By: /s/ James R. Koller
Name: James R. Koller
Title: President

Vesterra Corporation

By: /s/ James R. Koller
Name: James R. Koller
Title: President

/s/ Robert D. Hillman
Steven J. Brooks (BBO # 059140)
Robert D. Hillman (BBO # 552637)
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/s/ Brian J. McCormick, Jr.
Howard D. Scher, Esq. (*pro hac vice* pending)
C. Randolph Ross, Esq. (*pro hac vice* pending)
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